

# The first Americans

The second annual Heber POWWOW is an event for old and young alike, as shown in these photos by Daily Herald Photographer Bonnie Ellis. For Indians, powwows are spiritual gatherings. For non-Indian observers, they are a chance to experience the beautiful costuming and traditions of Indians. The weekend powwow in Heber City continues today at 10 a.m. at the Wasatch County Fairgrounds. The event is free to the public.



# Judge considers dismissing homicide charge in Delta case

By TOM WALTON  
Herald Staff Writer

A district court judge said Friday he will take under advisement a motion to dismiss capital homicide charges against one suspect in the slaying of a Delta man last November.

Defense attorney Michael Esplin issued the motion before Judge George Ballif, saying there was not sufficient evidence at the January preliminary hearing of Michael Anthony Archuleta, 26, to bind him over for trial.

Archuleta is charged with capital homicide and six other felonies in connection with the November death of Gordon Ray Church, 28, Delta.

Church's body was discovered in a remote, forested area near Interstate 15 in Millard County.

Esplin said there was no evidence presented at the

hearing "other than his (Archuleta's) own statements" that warranted the case being bound over for trial.

"Our position is Mr. Wood committed these acts," Esplin said.

Lance Conway Wood, 20, also faces charges in the Church slaying, but his case is being prosecuted separately.

Prosecuting attorney Carvel Harward said evidence during the preliminary hearing — which included 24 witnesses and 66 exhibits — was overwhelmingly in favor of a bind over.

While Ballif took the motion under advisement, it appears unlikely he will grant it. The judge scheduled a June 7 arraignment for Archuleta in Fillmore, and tentatively scheduled his trial to begin Oct. 10, 1989. Attorneys believe the trial will last six weeks.

## Guilty of attempted sexual abuse

# Georgia man faces prison evaluation

By TOM WALTON  
Herald Staff Writer

A district court judge ordered Friday that a Georgia man convicted of attempted sexual abuse of a child undergo a diagnostic evaluation at the state prison before being sentenced on the charge.

David Gene Prescott, 35, Albany, Ga., was originally charged with rape of a child stemming from a Sept. 1, 1987, incident involving a 9-year-old girl in American Fork. However, Prescott pleaded guilty to a reduced charge of attempted sexual abuse of a child following a plea bargain.

The reduced charged is a third degree felony punishable by up to five years in prison and a \$5,000 fine.

Prescott was scheduled to be sentenced Friday, and he asked Judge Cullen Y. Christensen to place him on probation allowing him to receive out-patient counseling.

"I woke her up that morning, and she (the victim) hugged me," Prescott said. "She raised her arms and I took off her nightgown. That was not the

right thing to do, but that's all I did."

However, Christensen noted there are conflicting accounts of what happened that day.

"Doctors say you suffer from pedophilia, and that you are a likely candidate for a recurrence of this problem," the judge said. "You put some of the blame on a minor child, but that doesn't excuse your conduct. You should know better."

The victim's mother was in the courtroom, where she pleaded with the judge to sentence Prescott to prison.

"My daughter got on the stand (during the preliminary hearing) and explained from A

to Z what happened to her. He had intercourse with her. Now he blames the child.

"He shouldn't get off on probation. He should admit his guilt rather than blaming me and the kids."

Deputy Utah County Attorney Claudia Laycock explained that the victim in the case does have learning disabilities, and other men have likely "taken advantage" of her. Nevertheless, Laycock said the girl "has a clear recollection of what happened with the defendant. There is no mix up in her mind who has done what to her."

Defense attorney Don Bybee said his client "was not at-

tempting to deny involvement. He has pleaded guilty to the crime. He is merely seeking a treatment program which meets the level of the crime to which he pleaded."

Nevertheless, Christensen ordered Prescott to enter a 90-day diagnostic program at the state prison prior to his sentencing.

"I'm not inclined to order probation without some in-patient treatment," the judge said. "I will not turn him (Prescott) loose or leave it up to him to find a treatment program."

Christensen scheduled Sept. 1, 1989, as a date to review the case.

## Teen-ager pleads guilty to sexual abuse

A Highland teen-ager pleaded guilty to one count of forcible sexual abuse of a child during his arraignment Friday in Provo's 4th District Court.

Paul Christmas, 18, is charged with sexually abusing a 4-year-old boy during an April incident in American Fork Canyon.

Judge Cullen Y. Christensen scheduled Christmas to be sentenced on the charge July 7. He remained released on his own recognizance.

In exchange for the plea, the prosecution agreed to not file additional charges against Christmas, nor will it oppose a motion by the defense attorney that his client be sentenced

under the next lower felony category.

However, such a decision on sentencing will ultimately be made by the judge.

Forcible sexual abuse is a second degree felony which carries maximum penalties of 10 years in prison and a \$10,000 fine.

## Obituaries

### William Holland

William LeGrand Holland, 83, died June 3, 1989, at his home in Provo. He was born Oct. 6, 1906 in Cedar Rapids, Iowa, son of John and Clara Smith.

### Art Harold Child

Art Harold Child, 61, of Springville, died June 2, 1989, at an Orem care center after a lengthy illness. He was born Nov. 14, 1927 in Springville, a son of Ivan Alma and Violet Child.

### D. LaMoyne Melville

David LaMoyne Melville, 84, died June 3, 1989, in a Provo hospital. He was born Sept. 3, 1904 in Fillmore to David Alexander and Alice Frampton Melville. He was married to Mary Melville.

### Mae Harris

Mae Harris, 91, former Provo resident, died Wednesday, May 31, 1989, in Sacramento, Calif. She was born Sept. 30, 1897 in Fairview, to Henry and Sarah Jane Mower Harris. She married William James Harris.

### Stanley Nielsen

H. Stanley Nielsen, 70, died June 2, 1989, at his home in Orem, of cancer. He was born April 18, 1919 in Bancroft, Idaho, the oldest son of Niels Peter and Mary Nielsen.

### Milton Call Grover

Milton Call Grover, 82, of Provo, died June 1, 1989, at his home following a lengthy battle with cancer. He was born Aug. 11, 1906 in Rigby, Idaho, a son of En-